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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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16 DAVID E. LIPTON and DANA F.  
17 THIBBEDEAU, individually and on behalf of all  
18 others similarly situated,

19 Plaintiffs,

20 v.

21 INTEL CORPORATION, a Delaware  
22 corporation,

23 Defendant.

No. C-05-2669

STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE FILING DATE  
FOR DEFENDANT'S RESPONSE TO  
PLAINTIFFS' COMPLAINT

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25 IT IS STIPULATED BY AND BETWEEN THE PARTIES, THROUGH THEIR

26 COUNSEL AS FOLLOWS:

27 Pursuant to Civil Local Rule 6-2, Plaintiffs David E. Lipton and Dana F.

28 Thibedeau and Defendant Intel Corporation hereby stipulate that Intel Corporation's response to

29 Plaintiff's complaint shall be due either 60 days after transfer of the above captioned case

30 pursuant to any motion to coordinate or consolidate pre-trial proceedings per 28 U.S.C. Section

31 1407 or, in the alternative, 45 days after any such motion has been denied. The parties request

32 this transfer because the plaintiffs in *Brauch, et al. v. Intel Corp.*, No. C 05-2743 (BZ) (N.D.

STIPULATION AND [PROPOSED] ORDER TO CONTINUE RESPONSE DATE

1 Cal., filed July 5, 2005), a related matter, have filed a petition to coordinate or consolidate pre-  
2 trial proceedings per 28 U.S.C. Section 1407, and the above-styled action has been identified as a  
3 related action to that petition. As a result the outcome of the pending petition will impact  
4 significantly the schedule of this case.

5 This is the first stipulation between the parties. Because this litigation has just  
6 begun, granting such a stipulation will not have any negative impact on the schedule of this case.

7 IT IS HEREBY STIPULATED.  
8 DATED: July 19, 2005

9 Bingham McCutchen LLP

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By: 

JOY K. FUYUNO  
Attorneys for Defendant  
Intel Corporation

Law Offices of Jeffrey F. Keller

By: 

JEFFREY F. KELLER  
Attorneys for Plaintiffs  
David E. Lipton and Dana F. Thiebedeau

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**[PROPOSED] ORDER TO CONTINUE DEFENDANT'S RESPONSE DATE**

IT IS HEREBY ORDERED that Defendant Intel Corporation's response to Plaintiff's complaint shall be due either 60 days after transfer of the above captioned case pursuant to any motion to coordinate or consolidate pre-trial proceedings per 28 U.S.C. Section 1407, or, in the alternative, 45 days after any such motion has been denied.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: July \_\_\_\_\_, 2005

**Honorable Marilyn Hall Patel  
United States District Judge**